

**Message From the House.**

Hall of the House of Representatives.  
Austin, Texas July 20, 1931.  
Hon. Edgar Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:  
H. C. R. No. 3, Inviting J. Frank Dobie, member of the faculty of the University of Texas, to address a joint session of the Senate and House.

H. S. R. No. 15, Inviting members of the Senate to sit in during the hearing in the Hall of the House by the House of Representatives on oil and gas conditions and legislation.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

**HOUSE SIMPLE RESOLUTION  
NO. 15.**

By Satterwhite, Cox of Limestone:  
Be It Resolved by the House of Representatives of the First Called Session of the Forty-second Legislature that the members of the Senate be invited to seats in the House during the hearing on oil and gas legislation, as provided in House Resolution, and that the Sergeant-at-Arms be instructed to provide seats for the Senate members and that such members have the same protection in the occupancy of such seats as members of the House.

Adopted July 17, 1931.

LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

**Bill Signed.**

The Chair, Lieutenant Governor Edgar Witt, gave notice of signing, and did sign in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 1.

**House Invitation Accepted.**

On motion of Senator Woodruff, the invitation extended by the House in House Simple Resolution No. 15 was accepted.

**House Concurrent Resolution No. 3.**

The Chair laid before the Senate:  
H. C. R. No. 3, Inviting Mr. J. Frank Dobie to address a joint session of the House and Senate.

Read and adopted.

**Adjournment.**

On motion of Senator Holbrook, the Senate, at 10:20 o'clock a. m., adjourned until 10 o'clock tomorrow morning.

**FIFTH DAY.**

Senate Chamber,  
Austin, Texas,  
July 21, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Parr.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

**Petitions and Memorials.**

(See Appendix.)

**Committee Reports.**

(See Appendix.)

**Bills and Resolutions.**

By Senator Williamson:

S. B. No. 7, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the State and authorizing payment of said miscellaneous claims on taking effect of this Act, providing how such claims shall be paid, repealing certain appropriations made in S. B. No. 17, Acts of the Regular Session of

the Forty-second Legislature, and re-appropriating such item in this bill, and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Hornsby:

S. B. No. 8, A bill to be entitled "An Act amending H. B. No. 1036 passed by the Regular Session of the Forty-second Legislature, Chapter 187, page 374, Acts of the Forty-second Legislature, prescribing the kind of tackle and method of taking fish in certain fresh waters in certain counties and prohibiting all other tackle; prohibiting possession of any tackle not authorized by this Act within two hundred yards of any fresh waters mentioned herein; exempting the waters of the Colorado and Rio Grande Rivers from the provision of this Act prohibiting the sale, offering for sale or having in possession for the purpose of sale of certain species in said counties; provided a closed season for a period of time when it shall be unlawful to take fresh water fish; making it unlawful to possess certain species of fish of less length than specified in this Act; prescribing a penalty; repealing all laws and parts of laws in conflict with this Act, except H. B. 610, Chapter 90, Acts of Regular Session, Forty-second Legislature; and declaring an emergency."

Read and referred to Committee on State Affairs.

#### Point of Order.

Senator Purl raised the point of order that S. B. No. 8 did not come under the Governor's call.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order.

#### Resolution Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following resolution:

H. C. R. No. 3.

#### Simple Resolution No. 7.

Senator Purl sent up the following resolution:

Whereas, The Forty-second Legislature of Texas has been called into an extraordinary session for the purpose of enacting suitable laws for

the purpose of conserving our natural resources; and

Whereas, The conservation of human lives is one of the most important duties of our governmental body; and

Whereas, There has been more than two hundred and fifty thousand lives lost in the United States the last fifteen years due to reckless automobile driving, a great many of these lives could have been saved if the State had set up the proper legal machinery for inquiring into the ability of the drivers before authorizing them to drive on the highways; and

Whereas, The Legislature cannot enact laws on any subject during a Special Session unless that subject is submitted by his Excellency, the Governor of Texas; therefore be it

Resolved, by the Senate of Texas, That we request the Governor to submit the subject of the conservation of human lives on the highways in order that we may enact suitable laws for this purpose.

PURL.

Read and adopted by the following vote:

Yeas—18.

Berkeley.	Oneal.
Cunningham.	Parrish.
DeBerry.	Poage.
Greer.	Pollard.
Hardin.	Purl.
Hornsby.	Rawlings.
Loy.	Stevenson.
Moore.	Williamson.
Neal.	Woodruff.

Nays—11.

Cousins.	Russek.
Gainer.	Small.
Holbrook.	Thomason.
Hopkins.	Woodul.
Martin.	Woodward.
Patton.	

Absent.

Beck.

Absent—Excused.

Parr.

#### Simple Resolution No. 8.

Senator Moore sent up the following written motion and resolution:

Mr. President and Members of the Senate:

Pursuant to instructions of the State Affairs Committee at a meeting

held in the office of the Secretary of the Senate Tuesday afternoon, July 20, 1931, which meeting was attended by thirteen of the eighteen members of said committee, I submit the following resolution for consideration of this honorable body, and by direction of said committee move adoption of the resolution:

SIMPLE RESOLUTION NO. 8.

Whereas, There are now pending before the Senate State Affairs Committee several bills relating to the oil industry, pipe lines and other kindred businesses; and

Whereas, The State Affairs Committee has determined that it should proceed with hearings in respect to bills now pending and which may be referred to it during this Session of the Legislature; and

Whereas, It was determined by said Committee that in order to properly function and in order to obtain any and all necessary information in respect to the matters and things presented by said bills, or any other bills which might be presented to said Committee, that it is advisable to have the Senate of Texas give its consent and authority in certain respects relating to hearings before said Committee; and

Whereas, The said State Affairs Committee requests the consent of the Senate of Texas that it be empowered and authorized to summon any and all persons as witnesses to appear before said Committee, then and there to give testimony in respect to the matters and/or things and all facts relating to the legislation pending before said Committee as relates to the oil, gas and other minerals and any and all industries and businesses in connection therewith; Now Therefore Be It Resolved by the Senate of Texas:

1. That the Senate State Affairs Committee of this, the First Called Session of the 42nd Legislature, be and it is hereby authorized, empowered and in all respects granted the right to summon any and all witnesses authorized by said Committee to be and appear before such Committee in the City of Austin, at such times as said Committee may direct to the end that full and complete investigation may be had by said Committee in respect to the industry of oil and gas and other minerals mined or produced in Texas.

2. That each member of the Senate shall be privileged to interrogate any witness or witnesses appearing before said Committee and that such Senate members shall be privileged to file the name or names of parties to be summoned as witnesses.

3. That said Committee shall have the power to formulate its own rules of procedure and evidence and to provide its own hours for meeting and adjournment;

That said Committee shall hold its hearings in the Senate Chamber of the State Capitol at Austin, Texas, and that all such hearings shall be public except at such times as the Committee may, by a majority vote, determine to hold an Executive Session.

4. That the Committee, through its Chairman, or in the absence of the Chairman, through its Vice-Chairman, shall have the power to issue process for witnesses to any place in this State and to compel their attendance and to produce all books and records or other documentary evidence deemed necessary by said Committee and upon disobedience or the refusal to answer any question asked by the Committee, the said Committee shall have the power to issue attachments which may be addressed to the witness and served by the Sergeant-at-Arms appointed by said Committee or by any Sheriff, Constable or Ranger of this State.

The Committee shall have the power to administer oath administered by Grand Jurors and affirmations, and fix bond of attached witnesses and the Committee shall further have the powers necessary to accomplish the purposes for which it is empowered, including all the powers of a District Court of the State of Texas.

5. The witnesses attending said Committee under process shall be allowed the same mileage and per diem as is allowed witnesses in the trial of cases in the Criminal District Court.

6. Said Committee shall have the power and authority to compensate all court reporters necessary to take down and transcribe all testimony directed by said Committee in the manner and form as directed by said Committee.

7. That said Committee shall begin its hearings immediately after

adjournment of the Senate Wednesday morning, July 22, 1931, and shall complete its hearing at the earliest practical moment, not later than July 29, 1931, unless authorized by the Senate to continue said hearings.

8. That all necessary expenses incident to the employment of the court reporters, the mileage and per diem of witnesses and the issuance of subpoenas and other expenses shall be paid out of the Contingent Fund of the First Called Session of the 42nd Legislature upon a sworn account of the person or persons entitled to such pay or other compensation when approved by the Chairman of said Committee and sufficient money is hereby appropriated out of such Contingent Fund to meet the expenses incurred by reason thereof.

MOORE.

The motion and resolution were read.

Senator Rawlings moved to print the resolution in the Journal and postpone further action on it until tomorrow.

#### Simple Resolution No. 9.

Senator Berkeley sent up the following resolution:

Whereas, It has come to our knowledge that the Honorable Nazario S. Ortiz Garza, Governor of the State of Coahuila of the United States of Mexico, Saltillo, Mexico, contemplates an early visit to the Capital of Texas, and

Whereas, The Senate of Texas has not had the genuine pleasure of hearing an address by this distinguished official of our sister republic, and

Whereas, The State of Texas is desirous of maintaining and extending the very cordial relations which have so long existed between the people of the United States and the people of Mexico, now therefore, be it

Resolved That the Senate of Texas extend to Governor Garza an invitation to address this body on a date suitable to his convenience at any time he may be in the City of Austin during the First Called Session of the Forty-second Legislature which will likely expire on August 13, 1931.

The Secretary of the Senate is hereby instructed to mail a copy of

this resolution to Governor Garza at Saltillo, Mexico.

BERKELEY,  
BECK,  
HORNSBY,  
PARR.

Read and adopted.

Recess.

On motion of Senator Hardin, the Senate, at 12:12 o'clock p. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

#### Simple Resolution No. 8.

The question recurred upon the motion to print S. R. No. 8 in the Journal and postpone consideration until tomorrow.

Senator Hornsby moved as a substitute that the resolution be indefinitely postponed.

Senator Pollard moved to table the motion to indefinitely postpone. The motion to table prevailed by the following vote:

Yeas—23.

Beck.	Oneal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Russek.
Holbrook.	Stevenson.
Loy.	Thomason.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	

Nays—6.

Hopkins.	Small.
Hornsby.	Williamson.
Rawlings.	Woodward.

(Pair Recorded)

Senator Cousins (present) who would vote nay, with Senator Patton (absent) who would vote yea.

Senator Pollard moved to table the motion to print the resolution in the Journal and postpone consideration until tomorrow.

The motion to table prevailed by the following vote:

## Yeas—24.

Beck.	Oneal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Russek.
Holbrook.	Stevenson.
Loy.	Thomason.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

## Nays—5.

Hopkins.	Small.
Hornsby.	Williamson.
Rawlings.	

(Pair Recorded.)

Senator Cousins (present) who would vote nay, with Senator Patton (absent) who would vote yea.

The resolution was adopted by the following vote:

## Yeas—24.

Beck.	Oneal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Poage.
Greer.	Pollard.
Hardin.	Purl.
Holbrook.	Russek.
Loy.	Stevenson.
Martin.	Thomason.
Moore.	Woodruff.
Neal.	Woodul.

## Nays—7.

Cousins.	Small.
Hopkins.	Williamson.
Hornsby.	Woodward.
Rawlings.	

## Adjournment.

On motion of Senator Moore, the Senate, at 3:52 o'clock p. m., adjourned until 9:30 o'clock tomorrow morning.

**In Memory**  
**of**  
**Senator J. Robert Astin**

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**SIMPLE RESOLUTION NO. 6.**

Senator Holbrook sent up the following resolution:

WHEREAS, The Senate of Texas has with deep regret learned that on yesterday former Senator J. Robert Astin of Bryan, Texas, was called from life's labor to eternal rest; and,

WHEREAS, Senator Astin spent his entire life with a courage, fidelity and trust to all of the duties imposed upon him in a highly efficient and honorable manner, and both in public and in private station brought honor to whatever he undertook to do. Senator Astin lent charm and dignity to this Body during his service here and wrought mightily for the benefit and glory of all Texas. He was an outstanding citizen in the community in which he lived and his shadows will lengthen as time goes on. It is with deep sorrow that this Senate bows its acknowledgment to the Supreme Decree which removed him hence, but with the belief that he has joined that band of great immortals whose memories are enshrined in the history and traditions of this Body and which gives him a permanent place in the affections of those who remember him; therefore, be it

RESOLVED by the Senate of Texas, That as a body we express our great sorrow at the passing of Senator Astin, that when the Senate adjourns today it do so in honor of his memory, and that a copy of these resolutions be spread upon a special page of the Journal and be mailed to the family of the deceased.

GAINER,  
HOLBROOK,  
BECK,  
BERKELEY,  
CUNNINGHAM,  
COUSINS,  
DeBERRY,  
GREER,  
HARDIN,  
HOPKINS,  
HORNSBY,  
LOY,  
MARTIN,  
MOORE,  
NEAL,  
ONEAL,

PARR,  
PARRISH,  
PATTON,  
POAGE,  
POLLARD,  
PURL,  
RAWLINGS,  
RUSSEK,  
SMALL,  
STEVENSON,  
THOMASON,  
WILLIAMSON,  
WOODRUFF,  
WOODUL,  
WOODWARD.

Read and adopted unanimously by a rising vote.

**SIXTH DAY.**

Senate Chamber,  
Austin, Texas,  
July 22, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem Tom DeBerry.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Farr.
Berkeley.	Patton.
Cousins.	Parrish.
Cunningham.	Poage.
Deberry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

**Petitions and Memorials.**

(See Appendix.)

**Committee Reports.**

(See Appendix.)

**Seating Arrangement.**

Senator Pollard moved that the Sergeant-at-Arms be instructed to re-arrange the desks of the Senators in a semi-circle about the tables in the center of the room, in as nearly their original position as possible, for the purpose of the convenience of the Senators in the hearing on oil conditions.

The motion prevailed.

**Senate Bill No. 8.**

Senator Hornsby received unanimous consent to take up the following bill:

By Senator Hornsby:

S. B. No. 8, A bill to be entitled "An Act amending H. B. No. 1036 passed by the Regular Session of

the Forty-second Legislature, Chapter 187, page 374, Acts of the Forty-second Legislature, prescribing the kind of tackle and method of taking fish in certain fresh waters in certain counties and prohibiting all other tackle; prohibiting possession of any tackle not authorized by this Act within two hundred yards of any fresh waters mentioned herein; exempting the waters of the Colorado and Rio Grande Rivers from the provision of this Act prohibiting the sale, offering for sale or having in possession for the purpose of sale of certain species in said counties; providing a closed season for a period of time when it shall be unlawful to take fresh water fish; making it unlawful to possess certain species of fish of less length than specified in this Act; prescribing a penalty; repealing all laws and parts of laws in conflict with this Act, except H. B. 610, Chapter 90, Acts of Regular Session, Forty-second Legislature; and declaring an emergency."

The rule requiring committee reports to lie over twenty-four hours was suspended by a four-fifths vote.

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 8 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent.

Hopkins.

Read third time and finally passed by the following vote: